

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.1340 OF 1982

Bharat Barrel & Drum Mfg.
Co. Pvt.Ltd. Plaintiffs
versus
Municipal Corpn. of Greater Bombay Defendants

None for the plaintiffs.
Mr.Harinder Toor with Mr.J.Saluja i/by Crawford
Bayley & Co. for Defendants.

CORAM : DR.D.Y.CHANDRACHUD, J.
DATE : 09TH JULY 2007

PC :

1. The suit has been instituted by the Plaintiffs in order to seek a declaration that clause 13 of the Agreement dated 28th November 1964 is null and void; with a demand of additional security deposit by the Defendants as security for the payment of monthly electricity bills is illegal and for an injunction restraining the Defendants from taking any steps against the Plaintiffs in pursuance of the demand.

2. Initially, a learned Single Judge of this Court held in Devidayal Metal Industries Vs. Municipal Corporation of Greater Bombay (AIR-1980-Bom-154) that under the Electricity

Act, 1910 it was not open to a Licensee to impose any financial burden in addition to what was provided in the Act. The judgment of the learned Single Judge was overruled by a Division Bench in Municipal Corporation of Greater Bombay Vs. Devidayal Metal Industries (AIR-1984-Bom-242). The position in law as was set out in the judgment of the Division Bench has been affirmed by the Supreme Court in Jagadamba Paper Industries Pvt. Ltd. and others Vs. Haryana State Electricity Board and others [(1983)4-SCC-508]. In the subsequent judgment of the Supreme Court in Ferro Alloys Corporation Vs. Andhra Pradesh State Electricity Board {1993 Supp.(4)-SCC-136}, the statement of law contained in the judgment of the Division Bench of this Court has been approved.

3. In the circumstances, from the aforesaid, it would be evident that the challenge which has been advanced in the suit before the Court must fail in view of the judgment of the Division Bench of this Court which has been affirmed by the Supreme Court. The suit is accordingly dismissed.

MST

((-3-))

(DR.D.Y.CHANDRACHUD, J.)